

REMARKS/ARGUMENTS

Applicant submits this response to the Office Action mailed April 27, 2006. A petition for a one-month extension of the term for response to said Office Action, to and including August 28, 2006, is transmitted herewith.

Applicant respectfully requests reconsideration and allowance of claims 1-20 that are pending in the present application.

Claims 1-20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al. (U.S. Patent Application No. US2003/0125754), hereinafter "Davis." Claim 1 provides for a buffing device having a handle portion with at least a portion of a control interface, a head portion with at least a portion of a drive assembly operatively connected to the control interface, and one or more buffing pads being operatively connected to the drive assembly, wherein the one or more buffing pads releasably connect to the drive assembly.

Davis relates to an electrical blade-less apparatus for removing body and facial hair by buffing and abrasion. However, Davis does not teach or suggest a handle portion with at least a portion of a control interface, as disclosed in claim 1 of the present invention. In the present application, "[t]he handle portion 2 may preferably have a control interface 6 for allowing an operator to control the operation of buffing device 1." (Application at pg. 6, lns. 13-15.)

Davis describes "an electric motor 104" within a housing. "Rotation of motor 104 causes transmission through the gear system 106 to coaxially rotate disk 114

and ring 116 in opposite directions." (Pg. 3; ¶ 0073.) This motor 104 does not act as a control interface. Davis does not disclose a handle portion with at least a portion of a control interface.

The Examiner contends that "[i]t is well known in the art to have a control interface on a handle portion in order to control the drive assembly." (Office Action at page 2). The Examiner cites the following references in support of this statement: Azerad et al. (2004/0091845), Gass et al. (6,834,730), Blaustein et al. (6,836,917) and Aiyer (5,471,695).

Applicant respectfully submits that the Examiner has failed to establish a motivation to combine the teachings of these references. Applicant respectfully submits that the Examiner has engaged in improper hindsight reconstruction by picking and choosing teachings from these references after the benefit of reading the instant application. To reach a proper determination under 35 U.S.C. § 103, knowledge of the applicant's disclosure must be put aside in reaching this determination, and the legal conclusion must be reached on the basis of the facts gleaned only from the prior art. M.P.E.P. § 2142.

The references cited in no way teach or suggest a buffing device having a handle portion with at least a portion of a control interface. In fact, these references are applicable to different fields than the present invention. For example, Azerad refers to a system and method for virtual reality training for odontology, Gass et al. refers to a hand-held drill, Blaustein et al. refers to an electric toothbrush, and Aiyar refers to a motorized brush with a vibrating scrubber head. As such, applicant

respectfully requests that the rejection as to claims 1 and 10 be withdrawn.

The rejection as to claims 2-9 and 11-20 should also be withdrawn, inasmuch as each of these claims depends, directly or indirectly, from claims 1 and 10 respectively.

In view of the foregoing, applicant respectfully requests favorable reconsideration and withdrawal of the rejections of the claims. Also, applicant respectfully requests that this application be passed to allowance.

Respectfully submitted,

Dated: _____

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